

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

**DECLARATION OF MICHAEL S. ELKIN IN SUPPORT OF DEFENDANTS' MOTION
FOR AN EXTENSION OF TIME**

I, Michael S. Elkin, hereby declare under the penalty of perjury as follows:

1. I am a partner at the law firm of Winston & Strawn LLP and serve as counsel for Defendants Cox Communications, Inc. and CoxCom, LLC (collectively, "Cox") in the above-captioned proceeding.

2. I am also Cox's lead trial counsel in *BMG Rights Management LLC, et al., v. Cox Communications, Inc., et al.*, Case No. 1:14-cv-01611-LO-JFA, which will be soon be tried during a two-week period beginning on August 28, 2018 before Your Honor.

3. The same counsel at Winston & Strawn represent Cox in the *BMG* matter and the instant matter.

4. I have contacted Plaintiffs' counsel to confer in an effort to jointly agree upon an extension of time, by both telephone and email, between August 3 and August 10, 2018.

5. I originally requested a 60-day extension. Plaintiffs' counsel initially responded that Plaintiffs would agree to an extension of time to respond to the Complaint only in exchange for Defendants' agreement to produce their collective document production in the *BMG* case. I responded that Cox was not prepared to enter such an agreement given the many issues the

request raised including the issue of relevance of such documents in this action and requested for an extension of any amount of time. Plaintiffs responded, slightly reducing their demand for documents and asking if Cox would agree to produce a complete set of the exhibits from the *BMG* trial in exchange for an extension. I reiterated that Cox was not willing to enter this agreement in exchange for an extension and asked if Plaintiffs would agree to any extension. Plaintiffs' counsel said he would take the request to his clients.

6. On August 14, 2018, having not heard back, I followed up with Plaintiffs' counsel. Today, on August 15, 2018, Plaintiffs' counsel responded, refusing to agree to any extension in the absence of Cox's agreement to provide Plaintiffs with documents.

7. A true and correct copy of the email correspondence between myself and Plaintiffs' counsel is attached hereto as **Exhibit 1**.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: August 15, 2018
New York, NY

/s/ Michael S. Elkin
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